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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
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12
13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 vs.

17 PAUL MATA, DAVID KAYATTA,
MARIO PINCHEIRA, SECURED
18 CAPITAL INVESTMENTS, LLC,
LOGOS REAL ESTATE HOLDINGS,
19 LLC, LOGOS WEALTH ADVISORS,
INC., and LIFETIME ENTERPRISES,
20 LLC (*dba* LOGOS LIFETIME
UNIVERSITY),

21 Defendants.
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Case No. 5:15-cv-01792-VAP-KK

**FINAL JUDGMENT AS TO DAVID
KAYATTA**

1 The Securities and Exchange Commission (“SEC”) having filed a Complaint;
2 and Defendant David Kayatta (“Defendant”) having entered a general appearance,
3 consented to the Court’s jurisdiction over Defendant and the subject matter of this
4 action, consented to entry of this Final Judgment without admitting or denying the
5 allegations of the Complaint (except as to jurisdiction and except as otherwise
6 provided herein in paragraph VII), waived findings of fact and conclusions of law,
7 and waived any right to appeal from this Final Judgment:

8 I.

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
10 permanently restrained and enjoined from violating, directly or indirectly, Section
11 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. §
12 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using
13 any means or instrumentality of interstate commerce, or of the mails, or of any
14 facility of any national securities exchange, in connection with the purchase or sale of
15 any security:

- 16 (a) to employ any device, scheme, or artifice to defraud;
17 (b) to make any untrue statement of a material fact or to omit to state
18 a material fact necessary in order to make the statements made, in the light of
19 the circumstances under which they were made, not misleading; or
20 (c) to engage in any act, practice, or course of business which
21 operates or would operate as a fraud or deceit upon any person.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
23 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
24 binds the following who receive actual notice of this Final Judgment by personal
25 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and
26 attorneys; and (b) other persons in active concert or participation with Defendant or
27 with anyone described in (a).
28

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

(a) to employ any device, scheme, or artifice to defraud;

(b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

(c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:

(a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;

- 1 (b) Unless a registration statement is in effect as to a security, carrying or
2 causing to be carried through the mails or in interstate commerce, by any
3 means or instruments of transportation, any such security for the purpose
4 of sale or for delivery after sale; or
- 5 (c) Making use of any means or instruments of transportation or
6 communication in interstate commerce or of the mails to offer to sell or
7 offer to buy through the use or medium of any prospectus or otherwise
8 any security, unless a registration statement has been filed with the SEC
9 as to such security, or while the registration statement is the subject of a
10 refusal order or stop order or (prior to the effective date of the
11 registration statement) any public proceeding or examination under
12 Section 8 of the Securities Act [15 U.S.C. § 77h].

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
14 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
15 binds the following who receive actual notice of this Final Judgment by personal
16 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
17 attorneys; and (b) other persons in active concert or participation with Defendant or
18 with anyone described in (a).

19 IV.

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
21 Defendant is permanently restrained and enjoined from soliciting, accepting, or
22 depositing any monies from actual or prospective investors in connection with any
23 offering of securities provided, however, that such injunction shall not prevent
24 Defendant from purchasing or selling securities listed on a national securities
25 exchange for his own personal account.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
27 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
28 binds the following who receive actual notice of this Final Judgment by personal

1 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
2 attorneys; and (b) other persons in active concert or participation with Defendant or
3 with anyone described in (a).

4 V.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
6 is liable for disgorgement of \$31,529.40, representing profits gained as a result of the
7 conduct alleged in the Complaint, plus prejudgment interest thereon in the amount of
8 \$3,648.30.

9 Defendant shall satisfy this obligation by paying \$35,177.70 to the Securities
10 and Exchange Commission within 14 days after entry of this Final Judgment.

11 Defendant may transmit payment electronically to the SEC, which will provide
12 detailed ACH transfer/Fedwire instructions upon request. Payment may also be
13 made directly from a bank account via Pay.gov through the SEC website at
14 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified
15 check, bank cashier's check, or United States postal money order payable to the
16 Securities and Exchange Commission, which shall be delivered or mailed to

17 Enterprise Services Center
18 Accounts Receivable Branch
19 6500 South MacArthur Boulevard
20 Oklahoma City, OK 73169

21 and shall be accompanied by a letter identifying the case title, civil action number,
22 and name of this Court; David Kayatta as a defendant in this action; and specifying
23 that payment is made pursuant to this Final Judgment.

24 Defendant shall simultaneously transmit photocopies of evidence of payment
25 and case identifying information to the SEC's counsel in this action. By making this
26 payment, Defendant relinquishes all legal and equitable right, title, and interest in
27 such funds and no part of the funds shall be returned to Defendant. The SEC shall
28 send the funds paid pursuant to this Final Judgment to the United States Treasury.

The SEC may enforce the Court's judgment for disgorgement and prejudgment

1 interest by moving for civil contempt (and/or through other collection procedures
2 authorized by law) at any time after 14 days following entry of this Final Judgment.
3 Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28
4 U.S.C. § 1961.

5 VI.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
7 shall pay a civil penalty in the amount of \$285,000 to the Securities and Exchange
8 SEC pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d); Section
9 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3); and Section 209(e) of the
10 Advisers Act, 15 U.S.C. §80b-9(e). Defendant shall make this payment within 14
11 days after entry of this Final Judgment.

12 Defendant may transmit payment electronically to the SEC, which will provide
13 detailed ACH transfer/Fedwire instructions upon request. Payment may also be
14 made directly from a bank account via Pay.gov through the SEC website at
15 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified
16 check, bank cashier's check, or United States postal money order payable to the
17 Securities and Exchange Commission, which shall be delivered or mailed to

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25 and case identifying information to the SEC's counsel in this action. By making this
26 payment, Defendant relinquishes all legal and equitable right, title, and interest in
27 such funds and no part of the funds shall be returned to Defendant. The SEC shall
28 send the funds paid pursuant to this Final Judgment to the United States Treasury.

1 Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28
2 USC § 1961.

3 VII.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
5 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
6 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,
7 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
8 amounts due by Defendant under this Final Judgment or any other judgment, order,
9 consent order, decree or settlement agreement entered in connection with this
10 proceeding, is a debt for the violation by Defendant of the federal securities laws or
11 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
12 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

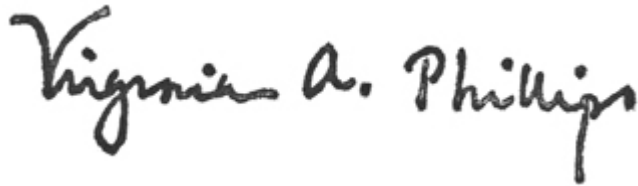
13 VIII.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
15 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
16 Final Judgment.

17 IX.

18 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
19 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith
20 and without further notice.

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22 Dated: June 17, 2016,



23 UNITED STATES DISTRICT JUDGE
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